



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

VON DER AHE INVESTMENTS,) No. CV 12-04612-UA (VBK)
)
Plaintiff,) ORDER SUMMARILY REMANDING
) IMPROPERLY-REMOVED ACTION
v.)
)
CHERRELLE HAZEL NOYD,)
)
Defendants.)

The Court will remand this "Complaint - Unlawful Detainer" (amount demanded does not exceed \$10,000.00), Case No. 12 C00129, to state court summarily because Defendant removed it improperly.

On May 25, 2012, Defendant Cherrelle Hazel Noyd, having been sued in what appears to be a routine unlawful detainer action in California state court, lodged a Notice Of Removal of that action to this Court and also presented an application to proceed in forma pauperis. The Court has denied the latter application under separate cover because the action was not properly removed. To prevent the action from remaining in jurisdictional limbo, the Court issues this Order to remand the action to state court.

Simply stated, Plaintiff could not have brought this action in

1 federal court in the first place, in that Defendant does not
2 competently allege facts supplying either diversity or federal-
3 question jurisdiction, and therefore removal is improper. 28 U.S.C.
4 § 1441(a); see Exxon Mobil Corp v. Allapattah Svcs., Inc., 545 U.S.
5 546, 563, 125 S.Ct. 2611, 162 L.Ed.2d 502 (2005). Even if complete
6 diversity of citizenship exists, the amount in controversy does not
7 exceed the diversity-jurisdiction threshold of \$75,000. See 28 U.S.C.
8 §§ 1332, 1441(b). On the contrary, the unlawful-detainer complaint
9 recites that the amount in controversy does not exceed \$10,000.

10 Nor does Plaintiff's unlawful detainer action raise any federal
11 legal question. See 28 U.S.C. §§ 1331, 1441(b).

12 Accordingly, **IT IS ORDERED** that (1) this matter be **REMANDED** to
13 the Superior Court of California, Los Angeles County, Burbank
14 Courthouse, 300 East Olive Drive, P. O. Box 750, Burbank, California
15 91503 for lack of subject matter jurisdiction pursuant to 28 U.S.C.
16 § 1447(c); (2) that the Clerk send a certified copy of this Order to
17 the state court; and (3) that the Clerk serve copies of this Order on
18 the parties.

19 **IT IS SO ORDERED.**

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21 DATED: June 1, 2012

A. Collins
22 HONORABLE AUDREY B. COLLINS
23 CHIEF UNITED STATES DISTRICT JUDGE
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